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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/043,382	10/26/2001	Srinivas Gutta	US010532	4632
24737	7590	01/02/2004	EXAMINER	
PHILIPS INTELLECTUAL PROPERTY & STANDARDS P.O. BOX 3001 BRIARCLIFF MANOR, NY 10510			LAI, ANNE VIET NGA	
			ART UNIT	PAPER NUMBER
			2636	

DATE MAILED: 01/02/2004

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Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/043,382

Applicant(s)

GUTTA ET AL.

Examiner

Anne V. Lai

Art Unit

2636

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-21 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1,2,4,6-9,11 and 13-21 is/are rejected.
- 7) ☒ Claim(s) 3,5,10 and 12 is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 03/01/2002 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. §§ 119 and 120

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
* See the attached detailed Office action for a list of the certified copies not received.
- 13) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.
a) ☐ The translation of the foreign language provisional application has been received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). ____
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) ____ 6) ☐ Other: .

DETAILED ACTION

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1-2, 4, 6-9, 11, 13-21 are rejected under 35 U.S.C. 103(a) as being unpatentable over **Kazama** [US.6,111,580] in view of **Curry** [US. 3,922,665].

Regarding claim 1, **Kazama** discloses (Figs. 17-18; col. 12, line 8 through col. 13, line 20) a method to control alarm clock signals by tracking the behavior of a person in a predetermined area under surveillance after the activation of the alarm clock; the tracking is based on a series of frame data (video camera).

Kazama does not disclose gradually increase the alarm clock signals. **Curry** teaches a method for adjusting an audio stimulus signal based on the behavior of a sleepy person by determining whether the person is motionless within a first predetermined time period, and if motionless, gradually increasing the audio stimulus signal (abstract, lines 7-8).

Therefore, it would have been obvious to one having ordinary skill in the art at the time of the invention was made to apply **Curry** teaching to **Kazama** clock alarm to better stimulate the sleeper to effectively wake him up by gradually increase intensity of the alarm clock signals.

Regarding claim 2, **Curry** determines whether the person is motionless within a second predetermined time period; and if motionless, further increasing the wake-up signal (more severe stimulus is generated if no response is received within a predetermined time, abstract line 10-14, and col.2 lines 20-22).

Regarding claim 9, the combined **Kazama** and **Curry** method provides adjusting the wake-up signals of an alarm clock to assist in awaking a person, the method comprising steps of:

(a) setting a wake-up time in the alarm clock to activate the wake-up signals when the set time matches a current time (Kazama; col. 12, line 26);

(b) determining whether the person is motionless for a first predetermined time period (Curry's abstract and claim 1) after the activation of the alarm clock (Kazama, cols. 12-13) by tracking behavior in a predetermined area under surveillance based on a series of frame data (Kazama TV cameras);

(c) if motionless, gradually increasing the wake-up signals of the alarm for a second predetermined time period (Curry's claim 3);

(d) monitoring behavior of the person for a third predetermined time period; and

(e) if motionless, further increasing the wake-up signals of the alarm clock for a fourth predetermined time period (Curry's claim 4) .

Regarding claims 4 and 11, **Kazama** and **Curry** alarm clock comprises the steps of gradually increasing the electrical power supplied to a plurality of electronic devices (the tactile, auditory and visual alarm devices, Curry's abstract and col.2, line 39)

coupled to the alarm clock according to predetermined criteria if the person is motionless.

Regarding claims 6 and 13, the combined **Kazama** and **Curry** method comprises step of deactivating (shut-off) the alarm clock if the person is not motionless.

Regarding claims 7 and 8, **Kazama** discloses the behavior of the person is tracked with cameras or sensors.

Regarding claim 14, **Kazama** and **Curry** wake-up signals include combination of tactile, auditory and light (Curry, col.2, line 39).

Regarding claim 15, **Kazama** and **Curry** disclose an alarm clock system for adjusting wake-up signals comprising:

a detecting means (Kazama' TV camera, figs. 17-18; col. 12-13) for observing the behavior of a person in a predetermined area under surveillance.

an analyzing means for analyzing an output series of frame data from the detection means to determine whether the person is motionless for a predetermined time period;

a speaker (audio alarm) coupled to the analyzing means for producing the wake-up signals; and

a control means for generating a control signal to gradually increase the wake-up signals based on whether the person is motionless (Curry).

Regarding claim 16, **Kazama** and **Curry** alarm clock system further comprises an adjusting means for adjusting the electrical power supplied to a plurality of devices

(tactile, auditory and visual alarm devices in Curry's system) coupled to the control means.

Regarding claim 17, **Kazama** and **Curry** alarm clock system includes means for setting an alarm time.

Regarding claim 18, **Kazama** and **Curry** alarm clock system comprises a battery power source (Curry, col.3, line 1).

Regarding claims 19-20, **Kazama** 's alarm clock observing means includes cameras or sensors.

Regarding claim 21, **Kazama** and **Curry** alarm clock wake-up signals includes combination of sound and light (Curry).

Response to Arguments

3. Applicant's arguments with respect to claims 1-21 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

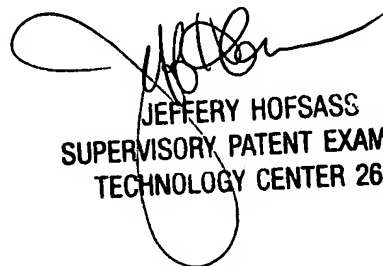
4. Claims 3, 5, 10 and 12 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Anne V. Lai whose telephone number is 703-305-7925. The examiner can normally be reached on 8:30 am to 6:00 pm, Monday to Thursday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Hofsass Jeffery can be reached on 703-305-4717. The fax phone numbers for the organization where this application or proceeding is assigned are 703-872-9314 for regular communications and 703-872-9314 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-305-4800.

A. V. Lai
December 24, 2003



JEFFERY HOFSSASS
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2600